

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

Original Application No.216 of 2020

Dr. P. Nagarajan ... Applicant

Versus

State of Tamil Nadu ... Respondent

Reply filed by the Petitioner to the report filed by TNPCB

It is submitted on behalf of the petitioner as follows:-

1. This Hon'ble Tribunal had vide order dated 01.12.2020 directed both the Tamil Nadu Pollution Control Board (TNPCB) as well as the District Magistrate, Coimbatore to take appropriate action after ascertaining the facts and following due process of law. The TNPCB has filed a report signed by the District Environmental Engineer on 28.05.2021. It is submitted that no report has been filed by the District Magistrate till date nor has the TNPCB complied with paragraph 2 of the said order of being the nodal agency for coordination and compliance. The report is also silent on the role of the District Magistrate, Coimbatore and as to whether any attempt was made to coordinate with the District Magistrate. The above application may be kept pending so that the Board can file an action taken report in compliance with the said order.
2. The categorisation of these units as white category and thus exempt from consent procedure is incorrect. The TNPCB appears to be receiving this presently. The units have no permission to extract groundwater for

commercial use and without NOC/ license/ permission from the Central Groundwater Authority as mandates by this Hon'ble Tribunal

3. The petitioner has perused the report of the Board and offers the following comments:-

- The coir industries listed had not installed ETP with ZLD to recycle waste water generated and are still letting into Land.
- The coir industries listed are still creating air pollution by sun drying coir fibre and coir pith and have not complied with the directions of the Board.
- The coir industries are still dumping coir pith hillocks on agricultural land and creating both air and water pollution. Thus, until the coir industries do follow the rules and regulations specified by TNPCB, the Board may be directed to take further action on the show cause notice issued to the industries on 19.07.2021

4. The said coir industries are operating illegally without a "Running Licence" from Panchayat as required under the Tamil Nadu Panchayats Act, 1994. These Coir Industries are not been permitted to operate without "Running Licence" from Pollachi (North) Panchayat Union (As per RTI 2005 - □.□.□□□: 1283/2020/□2 - □□□□: 29.10.2020) and despite the same, they are being operated illegally without any Licence, Approval and NOC from Appropriate Authorities and involving in heavy water theft from Aliyar River, ground water and misuse of agricultural land for industrial purpose.

5. Extraction of ground water in area which is over-exploited. It was admitted by the TNPCB that, the water required for the process is obtained from well, (i.e.,) Ground Water Extraction in Over – Exploited Area. However, no documentation had been submitted to extract Water. As per G.O.(Ms) No.161 Dated 23.10.2019 – Public Works Department – Ground Water – Categorization of Firkas. The Pollachi Taluk – Pollachi (North), Pollachi (South), Periya Negamam, KolarPatti, Anaimalai, RamaPattinam, Kinathukadavu and Sulur are Classified as “Over Exploited” and Kottur is Classified as “Critical”. The above Listed Coir Industries are extracting “Ground Water” illegally and “Aliyar River Water” Illegally, without NOC from “TamilNadu State Ground Water Authority”.

6. ETP with ZLD Technology to Control Water Pollution:

The Board has observed that the industries are in violation of the environmental laws and have directed to install “Effluent treatment plant with ZLD treatment system”. Despite the same, the coir industries continue to operate without a ZLD treatment system.

7. The Board has observed that the respondents are in violation of air pollution control mechanism and have directed installation of “Mechanical Tray / Drier Machine” instead of Sun Dry Method.

8. To Control Water and Air Pollution – Ban Dumping “Coir Pith Hillocks” on Agricultural Land: It was directed by the TNPCB to “Stop – Dumping of Coir Pith Hillocks in Agricultural Lands and Washing it”

9. The National Green Tribunal - Southern Zone, Chennai had passed an order in case Application No.114 of 2015 that “Action may be taken under 133 CrPc against the land owners leased for the storage of coir pith”. Directions may be issued to the Board to ban coir pith (High EC to Low EC) method in over-exploited and critical areas, as it consumes huge volume of water.
10. The TNPCB had directed in the Report under reply that “The proposed unit of M/s SMT Coirs Unit II shall not carry out Coir Pith processing activities without the concurrence of the TNPC Board”. The said direction may be rigorously implemented by the unit.
11. Implementation of the guidelines issued by the “Kerala state Pollution Control Board” Norms for Coir Industries:

The TNPCB had Inspected and Analysed the Pollution Levels and Determined the ‘Pollution Index Score’ to be ‘50 – Orange Category’. The TNPCB is in the Process of ‘Changing the Categorization of Coir Industry’ from ‘White’ to ‘Red and Orange’ as per ‘Pollution Index Score’ and ‘Kerala Pollution Control Board’ Circular. And implementing the ‘Rules Specified to Coir Industries’ by KSPCB in ‘State of Kerala’ to all Coir Industries Operating in ‘State of Tamil Nadu’.

SL. No	Items Categorized	Category
1.	Husk Retting	Red
2.	Manufacturing of coir items from Coconut husk (involving dyeing & bleaching)	Red
3.	Coir de-Fibreing /g inning	Orange
4.	Coir Stenciling	Orange

The TNPCB may be directed to implement the below said Rules and Regulations for Coir Industrial Operations.

Coir	The building where machinery is installed shall be enclosed up to roof level on all sides with suitable sound and dust proof material leaving minimum door openings for entry/exit and material handling alone.
	The raw material and wet fibre shall be kept stored under proper roofing with impervious flooring.
	Raw materials and products shall be transported with proper cover and / or after wetting to prevent spreading of dust.
Coir Bleaching & Dyeing (addl.)	Banned dyes shall not be used.
	ETP consisting of coagulation, settling and aeration shall be provided. (ETP - ZLD Technology)
Coir defibring (addl.)	Full enclosure shall be provided to prevent spreading of dust.
	Coir pith shall be removed daily.
Coir Latex Backing(addl.)	The unit shall function in an enclosed building provided with exhaust fan and water scrubbing system.

	Chimney of height 15m above ground level shall be provided for making emission from heater/boiler.
Coir PVC Tufted Coir Mats & Mattings(addl.)	The unit shall function in an enclosed building provided with exhaust fan and water scrubbing system.
	Chimney of height 15m above ground level shall be provided for making emission from heater/boiler.
Coir Ginning including retting(addl.)	The ginning mill operations shall be carried out within properly enclosed building in order to control Air pollution.
	The raw material and wet fibre shall be stored under proper roofing with impervious flooring.
	Aeration shall also be included in the ETP consisting of coagulation & settling.
	The pith shall be removed within 2 days.
Coir Shearing (addl.)	Solid waste generated shall be reused.
Coir Stenciling(addl.)	ETP consisting of coagulation, settling and aeration shall be provided.
	The unit shall function in an enclosed building provided with exhaust fan and water scrubbing system.
Coir Tufting(addl.)	Chimney of height 20m above ground level making emission from boiler.
	Solid waste including cutting waste shall be reused as far as possible.

	The unit to function in an enclosed building.
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12. The report of the Joint Committee filed in OA No. 199 of 2016 9(SZ) before the Hon'ble National Green Tribunal cannot be factored into account in this case for the following reasons:

- The above mentioned case was filed in the year 2016 and an order was passed to form a Joint Committee only in January, 2020.
- The Samples were taken on 25th & 26th February 2020 and operations of the unit were stopped since February 2020 due to lack of export orders.
- The report was furnished on 23rd March 2020.
- The Unit therein (different from the units herein) is surrounded by dry lands in all directions, whereas Pollachi is a Fertile Agricultural Land (Dry + Wet Land).
- It was admitted that no villages except a small homestead was located within 500mts radius of the coir Unit. Whereas in the present case, the coir industries are located inside fertile agricultural lands and nearby villages. The time gap between the process is 4 to 5 years (2016 - 2020). The TDS and PH level of the water tends to change day by day. During the time of complaint there may be pollution and since there is a longer year of gap, the factors such as climatic conditions - heavy rain (or) production process change by industry (or) Effluent Discharge method would have impacted the water condition which results in change in TDS & PH Level - water quality. It was admitted that Coir units are using borewell for process. storing raw material and coir pith waste in the open land.

13. It is submitted that after filing the report by the Board in June, 2021, the Board had inspected the units again on 09.7.2021 after a fire incident had

occurred in the premises of the unit. The Board had issued a show cause notice dated 19.07.2021 making observations in page 4 of the said notice. Despite issuance of directions, the units till date have brazenly been violating all environmental protection norms. Copies of the show cause notice which demonstrates violation of the direction of the Board and even the report of the Joint Committee in OA No. 199 of 2016.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take on record the above reply filed by the petitioner to the report filed by the TNPCB and thus render justice.

Dated at Chennai this the 25th day of August, 2021



Counsel for the petitioner.

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O.A. No.216 of 2020 (PB)**

**Reply filed by the Petitioner to
the report filed by TNPCB**

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